

BOARD:  
Elizabeth M. Hagood  
Chairman  
Edwin H. Cooper, III  
Vice Chairman  
Steven G. Kisner  
Secretary



C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment.*

BOARD:  
Henry C. Scott  
Paul C. Aughtry, III  
Glenn A. McCall  
Coleman F. Buckhouse, MD

**Minutes of  
S.C. Board of Health and Environmental Control  
Meeting**

**November 10, 2005**

The S.C. Board of Health and Environmental Control met on Thursday, November 10, 2005, at 10:00 a.m. in the S.C. Department of Health and Environmental Control Board Room, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Elizabeth M. Hagood, Chairman  
Member-at-large

Steven G. Kisner, Secretary  
Aiken, 3<sup>rd</sup> District

Henry C. Scott  
Allendale, 2<sup>nd</sup> District

Paul C. Aughtry  
Greenville, 4<sup>th</sup> District

Glenn A. McCall  
Rock Hill, 5<sup>th</sup> District

Coleman F. Buckhouse, MD  
Florence, 6<sup>th</sup> District

Also in attendance were Commissioner Earl Hunter and guests. (Attachment 0-2)

Chairman Hagood stated notice of this meeting has been provided to all persons, organizations and news media, which have requested notification, as required by section 30-4-80(e) of the South Carolina Code of Laws.

**Item 1: Consideration of October 6, 2005, meeting minutes - For Approval** (Attachment 1-1)

*Mr. McCall moved, seconded by Mr. Scott, to approve the minutes of the October 6, 2005, meeting. Approved*

**Item 2: Monthly Award for Excellence – November 2005** (Attachment 2-1)

Commissioner Hunter recognized the following:

Commissioner's Office – Danny Williams;  
Environmental Quality Control – Leslie Owens;  
Health Regulation – Lurna Marika;  
Health Services – Sandy Valentine;  
Region 1 Public Health District – Katrina Shelter Team/Don Peace, Ben Ross, Mary Ellenburg, Fran Human, Bernice Gantt, Pennye Semino, Jan Outzs, Courtney Burton, Catherine Jones, Sharon Longshore, Celia Hodges, Delores Cox, Tammy Markel, Brenda McAlister, Judy Lilly, Joanne Moore, Mary Gambrell, Joanne Whatley, Cora Williams, Cherry Causey, Mitzi Grappone, Amy Rice, Lenora Talley, Wanda Alexander, Kathleen Pursley, Rosemary Wilson, Claudia Stokes, Sara Light, Nancy Thomason, Darlene Hood-Johnson, Susan Thompson, Lynn Olsen, Jane Burch, Shenicka McCray, Betty Cervenka;  
Region 2 Public Health District – Administrative Support Team/Jean Abbott, Angie Barker, Emily Cook, Sully Fawcett-Guerrero, Gail Goldsmith, Della Hill, Sheryn Johnson, Sally Ramey, Diane Roper, Martha Sontag;  
Region 3 Public Health District – Rod Morgan;  
Region 4 Public Health District – Lee County Environmental Health: Salmonella Outbreak Response Team/Harry Baisden, Rodney Howard;  
Region 6 Public Health District – Melanie Daniels;  
Region 8 Public Health District – TB Team/Juanita Freeman, Jane Klink, Ellen Bonnell, Kathy Goen, Brenda Freeman, Teresa Deloach, Mary Jane Richardson;  
OCRM/Charleston – Bridges to Marsh Island Staff Team/Josh Boulware, Debra Hernandez, Steve Moore, Marian Page, Elisabeth VonKolnitz.

**Item 3: Proposed Amendment of Regulation 61-69, Classified Waters, Legislative Review is Required** (Attachment 3-1)

Ms. Rheta Geddings, Bureau of Water, presented the item to the Board. The Department proposes to amend R.61-69 to reclassify waters located within the boundary of the Congaree National Park to Outstanding Resource Waters (ORW) and to reclassify a portion of Cedar Creek located within the boundary of the park to Outstanding National Resource Water (ONRW) of the State. All waters bordering the Congaree National Park, including those portions of named and unnamed waters flowing up to the boundary of the park and also the Congaree River which flows along one boundary of the park, are currently classified as Freshwaters of the State and will maintain their classification.

*Mr. Kisner moved, seconded by Mr. McCall, to grant initial approval to publish a Notice of Proposed Regulation in the State Register, to provide opportunity for public*

*comment, and to conduct a staff informational forum to receive and consider comments, and to allow staff to proceed with a public hearing before the Board. Approved.*

**Item 4: Administrative and Consent Orders issued by Environmental Quality Control (September 1, 2005 through September 30, 2005)** (Attachment 4-1)

Ms. Claire Prince, Director, Enforcement and Compliance Assistance, Environmental Quality Control, stated twenty-eight (28) orders had been issued with penalties of \$118,107.

*After discussion, the Board accepted this item as information.*

**Item 5: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (September 1, 2005, through September 30, 2005)** (Attachment 5-1)

Mr. Randy Clark, Health Regulations, stated four (4) orders had been issued with penalties of \$115.43.

*The Board accepted this item as information.*

**Item 6: Orders issued by Office of Ocean and Coastal Resource Management (August 1, 2005 through September 30, 2005)** (Attachment 6-1)

Ms. Carolyn Boltin, Deputy Commissioner of Office of Ocean and Coastal Resource Management, stated seven (7) orders had been issued with penalties of \$2,500.

*The Board accepted this item as information.*

**Item 7: SCDHEC-OCRM's Response to Draft Findings from NOAA's 312 Review** (Attachment 7-1)

The South Carolina Coastal Zone Management program undergoes periodic program review by the National Oceanic and Atmospheric Administration (NOAA). South Carolina's most recent review was conducted in July 2004, and covered the period from December 2000 through July 2004. The draft findings were submitted to SCDHEC-OCRM in April 2005 and included 6 Program Suggestions. Program Suggestions denote action, which NOAA OCRM believes would improve the management and operations of the Program but are not mandatory. Necessary Actions address programmatic requirements of the federal Coastal Zone Management Act regulations and of the South Carolina Coastal Management Plan approved by NOAA, and must be carried out by the date(s) specified. No Necessary Actions were included in this review cycle. NOAA also made note of several Program Accomplishments in their findings.

*The Board accepted this item as information.*

**Item 8: CONTESTED CASE – Oakwood Landfill, Inc. and Hickory Hill Landfill, Inc., Respondents, vs. South Carolina Department of Health and Environmental Control and T&T Disposal, LLC, Petitioners, Docket No. 04-ALJ-07-0054-CC (Attachment 8-1)**

Ms. Jacquelyn Dickman, Legal Counsel, introduced this case to the Board. Ms. Etta R. Williams, Esq., represented the Department. Mr. Alex Shissias, Esq. and Mr. John Hodge, Esq., represented T&T Disposal, LLC. Mr. James Potter, Esq. represented Oakwood Landfill, Inc. and Hickory Hill Landfill, Inc.

*Mr. Aughtry moved, seconded by Mr. Kisner, to find that Section 44-96-80(0) was misinterpreted by the Administrative Law Court, to reverse the decision of the Administrative Law Judge and remand the case to the Administrative Law Court for a determination of capacity and volume. Approved.*

**Item 9: CONTESTED CASE – Carolinas HealthCare System, Petitioner., v. South Carolina Department of Health and Environmental Control and Carolina Surgery Center, LLC, Piedmont Healthcare System, Inc., and South Cross Surgery Center, LLC, Respondents, Docket No. 04-ALJ-07-0044-CC**

**South Cross Surgery Center, LLC, Respondent, vs. South Carolina Department of Health and Environmental Control, Respondent, and Piedmont Healthcare System, LLC. and Carolinas Surgery Center, LLC and Carolinas Healthcare System, Petitioners Intervenor/Respondents and 04-ALJ-07-0068-CC (Attachment 9-1)**

Ms. Hagood stated this case had been continued to a later date at the request of the Petitioner.

**Item 10: Agency Affairs (Attachment 10-1)**

Commissioner Hunter reported the following:

1. Pandemic Influenza Plan/Avian Bird Flu and provided Frequently Asked Questions (Attachment 10-1);
2. Flu Vaccine Update;
3. EPA WasteWise Awards;
4. Franklin Park Drinking Water update (Attachment 10-2);
5. Highway 17 Widening Project Update.

*The Board accepted this item as information.*

**Item 8: Legal Report – For Information**

Mr. Carl Roberts updated the Board on legal matters.

***Mr. Aughtry moved, seconded by Mr. Kisner for an Executive Session for the purpose of receipt of legal advice relating to legal claims and other matters covered by the attorney-client privilege. Approved.***

While in Executive Session, no actions were taken.

***Mr. Aughtry moved, seconded by Mr. Kisner, to adjourn. Approved.***

All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,

---

Steven G. Kisner  
Secretary of the Board

Minutes approved this 8th day of December 2005.

ATTEST:

---

Elizabeth M. Hagood  
Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign-in Sheet
- 1-1 October 6, 2005, Board Meeting minutes
- 2-1 Monthly Award for Excellence for November 2005
- 3-1 Proposed Amendment of R.61-69, Classified Waters
- 4-1 Administrative and Consent Orders Report - EQC
- 5-1 Administrative Orders, Consent Orders and Sanctions Letters Report – Health Regulation
- 6-1 Orders issued by Office of Ocean and Coastal Resource Management
- 7-1 SCDHEC-OCRM's Response to Draft Findings from NOAA's 312 Review
- 8-1 CONTESTED CASE – Oakwood Landfill, Inc., and Hickory Hill Landfill, Inc., vs. SCDHEC and T&T Disposal, LLC
- 10-1 Pandemic Influenza FAQs
- 10-2 Franklin Park Drinking Water issue update